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August 29, 2005

Item No. 11  
Supporting Document No. 4

Mr. Paul Richter  
California Regional Water Quality Control Board  
9164 Sky Park Court, Suite 100  
San Diego, CA 92123

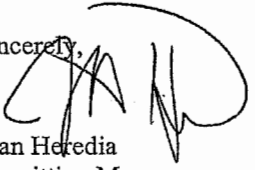
RE: Comments on Tentative Order No. R9-2005-0139: NPDES Permit No. CA0109215; Waste Discharge Requirements for the City of Escondido, Industrial Brine Collection System, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall, San Diego County

Dear Mr. Richter:

The Palomar Energy Project (PEP) appreciates the efforts made by all parties, including staff at the Regional Board, EPA Region 9, and the City of Escondido, during the past several months to complete the Tentative Order for the National Pollutant Discharge Elimination System ("NPDES") Permit for the City of Escondido Hale Avenue Resource Recovery Facility Industrial Brine Collection System (IBCS). PEP is a stakeholder in this NPDES permit, since the PEP discharges to the IBCS and the permit contains specific PEP effluent limits and monitoring provisions. PEP has previously commented that we believe that discharges to the IBCS are subject to Pretreatment Standards for New Sources (PSNS) through the City of Escondido Industrial Users Discharge Program. The Regional Board's requirements in the Tentative Order are derived from the New Source Performance Standards (NSPS) effluent limitations, guidelines and standards (ELGs) for steam electric power generating point source discharges. We have worked with Regional Board staff to develop the limits in the City of Escondido NPDES Permit which will apply at the PEP facility, although we understand that PEP will also need to obtain an Industrial Users Discharge Permit from the City of Escondido under the City's PSNS program. The PEP is fully able and willing to meet the limits applied in the Regional Board's Tentative Order, and supports the revised Tentative Order<sup>1</sup>.

We greatly appreciate the efforts of Regional Board and its willingness to work with the City of Escondido and PEP on this matter.

Sincerely,

  
Joan Heredia  
Permitting Manager

cc. Robert Jackson, PEP  
Pat Thomas, City of Escondido  
Nancy Yoshikawa, EPA Region 9

<sup>1</sup> As a minor point of clarification, we understand that Regional Board staff agrees that PEP may monitor the low volume stream with a totalizing flow meter. During sampling events, PEP will record the daily flow volume to demonstrate compliance with daily constituent limits.